United Nations A/HRC/30/NGO/27

General Assembly

Distr.: General
3 September 2015

English only

Human Rights Council
Thirtieth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Alsalam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-14915(E)

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Bahrain: ongoing lack of cooperation and systematic rights abuse

Alsalam Foundation, together with Americans for Democracy & Human Rights in Bahrain, the Bahrain Institute for Rights & Democracy and the Bahrain Center for Human Rights, express our serious concern over the Kingdom of Bahrain's ongoing lack of cooperation with the United Nations (UN) in the field of human rights. In 2011, Bahrain's mass demonstrations against structural inequalities, corruption and oppression resulted in a government-led campaign to silence dissent. Today, arbitrary arrests and detentions, torture, unfair trials, politically motivated denaturalization actions, and extrajudicial killings remain systematic practices in the kingdom.

The Kingdom of Bahrain's lack of cooperation has been observed in **a)** the Member State's continued deferral of an agreement for technical cooperation with the Office of the High Commissioner for Human Rights (OHCHR); **b)** the Member State's refusal to cooperate with the Special Procedures of the Human Rights Council (HRC); **c)** the Member State's non-observance and non-implementation of recommendations made during its Second Cycle Universal Periodic Review (UPR); **d)** the Member State's disregard for its reporting obligations to UN Treaty Bodies; and **e)** the Member State's continued intimidation of civil society members who engage with the UN.

a. Deferral of Technical Assistance and Capacity Building Agreement with OHCHR

In January 2014, OHCHR conducted a technical visit to Bahrain to outline a program for technical cooperation with Bahraini authorities. In September 2014, Bahrain's Ministry of Foreign Affairs stated it would propose a draft for a Memorandum of Understanding with OHCHR 'enshrining the terms' of the agreement.[1] In March 2015, during the High Level Segment of the 28th Session of the Council, Bahrain's Under Secretary for the Ministry of Foreign Affairs, Abdulla Abdullatif Abdulla, announced that an "agreement had been reached...to foster cooperation." He also vowed an "early start" to the new technical assistance and capacity building program.[2] At the time of this announcement, Bahrain had not yet signed an agreement with OHCHR. Since that time, the government has made several public announcements regarding its cooperation, but has taken no steps to officially commit to this process. Such behavior has been obstructive to OHCHR. These deferrals have also shown disregard for the calls of 47 United Nations Member States, who during the 26th Session of the HRC called upon the Government of Bahrain "to further enhance its cooperation with OHCHR." Until now, no such cooperation has taken place.

b. Refusal to Cooperate with Special Procedures

Since 2006, the Government of Bahrain has refused access to the Special Procedures mandate holders of the Council. Currently, five mandates have outstanding requests to carry out country visits to Bahrain. None of these requests have been accepted by the government.

In May 2013, a visit was scheduled for the UN Special Rapporteur on Torture, Mr. Juan Méndez, but was "postponed" two weeks prior to its scheduled date. Mr. Méndez expressed his disappointment at the decision. He emphasized that the postponement was effectively a cancellation, as "no alternative dates were proposed."[3] On numerous occasions, he has openly regretted that Bahrain does not appear to be conducting itself in a cooperative manner.[4] The torture mandate has extended a standing invitation to Bahrain but the Government has maintained its closed door policy with respect to the Special Procedures.

In addition to refusing access to the Special Procedures, the Government of Bahrain has also failed to effectively respond to the findings and inquiries of the Special Procedures on individual communications. In October 2011, the

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[1] Ministry of Foreign Affairs. *UPR Bahrain*. "Treaties & International Human Rights Mechanisms". September 2014. Retrieved from: <http://www.upr.bh/index.php/57/>.
[2] Bahrain. *High Level Segment of the 28th Session of the Human Rights Council. 6th Meeting*. 3 March 2015. Retrieved from: <http://webtv.un.org/watch/bahrain-high-level-segment-6th-meeting-28th-regular-session-human-rights-council/4092497099001>.
[3] Office of the High Commissioner for Human Rights. "Bahrain / Human Rights: Government Effectively Cancels UN Special Rapporteur on Torture's Visit". 24 April 2013. Retrieved from: <http://www.ohchr.org/EN/NewsEvents/pages/DisplayNews.aspx?NewsID=13261>.
[4] Ibid.

Working Group on Arbitrary Detention (WGAD) found Danish-Bahraini citizen Abdulhadi Al-Khawaja's detention to be arbitrary.[5] They called on his immediate release. In 2012, the UN Special Rapporteurs on Torture, Human Rights Defenders, Freedom of Assembly and Independence of Judges and Lawyers again called on Bahrain to immediately release him.[6] Mr. Al-Khawaja has remained in prison and continues to serve a life-long arbitrary sentence. The Government has persistently ignored the recommendations of the Working Group to release additional arbitrary detainees.

c. Non-Observance and Non-Implementation of Second Cycle UPR Recommendations

In May 2012, the Kingdom of Bahrain completed its Second Cycle UPR. States submitted 176 recommendations to the Government during the review, of which Bahrain accepted 158. Despite accepting a majority of the recommendations made, Bahrain has applied a policy of non-observance and non-implementation to almost all of these recommendations. While several states recommended that the Government fully implement the recommendations of the Bahrain Independent Commission of Inquiry (BICI), the Government of Bahrain has instead continued to practice the very violations denounced in the BICI report. The BICI Follow-Up Committee commissioned by the Government to accelerate these reforms lacks independence, credibility and transparency. The membership of this Committee consists of current or former members of Government or members of the royal family, many of whom were directly or indirectly involved in the abuses the BICI recommendations were intended to address.[7]

Further UPR recommendations called on Bahrain to respect the rights of all citizens to freedom of expression and assembly. Hundreds of individuals have been charged on 'crimes' relating to freedom of expression or assembly since Bahrain's acceptance of this recommendation in 2012. Recently, on 12 July 2015, government forces arrested Ebrahim Sharif, the former General Secretary of the National Democratic Action Society (Wa'ad), for "inciting violence" and "promoting political change" after delivering a speech at a 16 year old boy's memorial event. Even more recently, on 6 August 2015, the government suspended Bahrain's only semi-independent newspaper, *Al-Wasat*, on accusations of "affecting national unity," and "affecting Bahrain's international relations." These actions speak clearly to Bahrain's disregard of the UPR recommendations it committed to implement. These also demonstrate a lack of genuine engagement with the UPR process.

d. Disregard for UN Treaty Body Reporting Obligations

Although the Government of Bahrain is party to a number of international treaties including the Convention against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR), it violates these and other international conventions on a daily basis.

Bahrain has consistently failed to comply with its periodic reporting obligations. Following its accession to the Convention on the Rights of Persons with Disabilities and the International Covenant on Social, Economic and Cultural Rights, Bahrain failed to submit even an initial report on its implementation of these treaties. Furthermore, the Kingdom disregards its reporting deadlines and on occasion has failed to report for up to 10 years. When submitted, reports often fail to meet standard reporting guidelines. In 2005, the Committee on the Elimination of Racial Discrimination (CERD) summarized this point in its concluding observations on Bahrain's Seventh Periodic Report. The Committee regretted that the report did not contain sufficient detail "on the practical implementation of the Convention."[8] The Committee also expressed concern over representations made by the government that there was no racial discrimination in Bahrain.[9]

These observations on Bahrain's reporting exemplify the Government of Bahrain's attitude towards its obligations under international law. It has failed to make transparent and genuine representations of the human rights situation in

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[5] United Nations Working Group on Arbitrary Detention. *No. 6/2012 (Bahrain)*. 28 October 2011. Retrieved from: <http://www.unwgaddatabase.org/un/Document.aspx?id=2840&terms=%28+bahrain++%29%20>.
[6] Office of the High Commissioner for Human Rights. "Bahrain: UN Human Rights Experts Urge Immediate Release of Abdulhadi Al-Khawaja". 13 April 2012.
[7] Americans for Democracy & Human Rights in Bahrain. *A Follow-Up Report on Bahrain's UPR Second Cycle*. Washington D.C., February 2014.
[8] CERD/C/BHR/CO/7. 14 April 2005. Retrieved from: <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBHR%2fCO%2f7&Lang=en>.
[9] Ibid.

the country, and has otherwise failed to report on its implementation of these essential international human rights treaties in a timely and constructive manner.

e. Reprisals

During the 24th Session of the Human Rights Council in September 2013, the Council adopted a resolution on "Reprisals against Human Rights Defenders Cooperating with the UN System". The resolution reaffirmed the right of everyone to unhindered access and communication with international bodies, particularly the United Nations. Despite this, the Government of Bahrain has continuously targeted individuals seeking to engage the UN. In September 2014, immediately following his return from the 27th Session of the HRC, the government arrested Bahraini Human Rights Defender Nabeel Rajab. Though the government alleged that the arrest was unrelated to his Geneva activities, the Committee against Torture's Rapporteur on Reprisals referred to his case when discussing reprisals in Bahrain.[10] Such cases serve as examples of Bahrain's unwillingness to engage in a cooperative way with civil society, a principle enshrined in the activities of the Human Rights Council and wider UN system.

Recommendation

At the 30th Session of the Human Rights Council, Alsalam Foundation, together with Americans for Democracy & Human Rights in Bahrain, the Bahrain Institute for Rights & Democracy and the Bahrain Center for Human Rights, urges UN Member States to renew their calls on Bahrain to:

- Establish a robust technical assistance and capacity building program with OHCHR;
- Allow the Special Procedures unfettered access to the country, particularly the Special Rapporteur on Torture; and take steps to immediately implement all recommendations issued by the Working Group on Arbitrary Detention and other Special Procedures mandates;
- Fully implement all 158 recommendations accepted during the Second Cycle UPR;
- Constructively engage with all UN Treaty bodies, including by submitting periodic reports in a timely manner and adhering to standard reporting guidelines;
- End all forms of reprisals or intimidation of individuals seeking to engage with the United Nations and its mechanisms.

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[10] Office of the High Commissioner for Human Rights. "Committee Against Torture Discusses Reports on Follow-Up to Implementation of Recommendations on Reprisals". 12 August 2015. Retrieved from: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16316&LangID=E>.